

# Exhibit 3

1 memory with your attorneys as to what this case is  
2 all about?

3 A. No, sir.

4 Q. Okay. Officer Guillot made a stop with  
5 Dahl. And during that time, he used some profane  
6 language, so Mr. Dahl is saying in his testimony.  
7 Would that be something that the police would  
8 condone, that you or your office would condone?

9 MR. HARVEY: Let me just run an objection  
10 to anything that's Mr. Dahl's account of events  
11 to form; but other than that, continue.

12 MR. MOAK: Let me just --

13 MR. HARVEY: I just want to register it  
14 once.

15 BY MR. MOAK:

16 Q. Would your office condone the use of  
17 improper language as to any person that they had  
18 made a stop against?

19 A. We have a standard operating procedure, and  
20 our procedures are in black and white, and that's  
21 where what is right and wrong is.

22 Q. And so that procedure would be that you  
23 would not use that type of language?

24 A. I didn't say that, no, sir. I said it's in  
25 black and white. If it's in there, then that would

1           A. There was a new administration came in, in  
2 the end of December, the beginning of January, and  
3 the mayor took the Tasers away from the police  
4 department.

5           Q. Was there a public meeting that discussed  
6 why --

7           A. Not that I recall.

8           Q. How were you notified that they were going  
9 to be taken away?

10          A. The mayor.

11          Q. What did he tell you?

12          A. He said bring me every Taser.

13          Q. What else?

14          A. That's about it.

15          Q. That was it?

16          A. (Nodding head.)

17          Q. Did you have any meetings with city  
18 attorneys or any other officials as to why they were  
19 gone?

20          A. No, sir.

21          Q. What kind of response did you get from the  
22 officers when those were taken?

23          A. Sort of disappointed.

24          Q. Why were they disappointed?

25          A. Well, it's a very good tool.

1 Q. Do you know how many times officers in your  
2 city have used stun guns on a yearly basis when they  
3 were available, actually deployed them, let me say  
4 that.

5 A. I would have to go back in the records.

6 Q. What do you think is normal usage, the  
7 number of times that an officer would use or deploy  
8 a Taser weapon?

9 A. I have no idea.

10 Q. You have never looked at any facts or  
11 figures around the U.S. or even within your city?

12 A. That -- rephrase that question.

13 Q. Sure. You've never had the opportunity to  
14 look at studies that would say a Taser is deployed  
15 by an average law enforcement officer X number of  
16 times per year in the line of duty?

17 A. No, sir.

18 Q. That same question: Have you ever seen any  
19 studies to determine how many times a Taser is, or  
20 has been in this case now, deployed by any officer  
21 in your city?

22 A. We did do it, like I said, but I couldn't  
23 quote any amounts unless I looked at the record.  
24 And I'm not sure that I could find that now.

25 Q. Do you think your city deployed Tasers more

1 often then anyone else?

2 A. No, sir.

3 Q. Have you received any information via press  
4 releases that your city has used Tasers more than  
5 any other city or organization?

6 A. I've read that, yes, sir.

7 Q. Tell me what you read.

8 A. I don't recall what it was.

9 Q. Was it an analysis of your city with the  
10 Marines in Iraq?

11 A. I don't recall that.

12 Q. Well, let me get a little tighter. Was it  
13 an analysis that the officers in the City of  
14 Waveland had used their Tasers more often than  
15 Marines in the Middle East?

16 A. I don't recall that.

17 Q. Would it surprise you that if I said during  
18 a three-year period that officers in the City of  
19 Waveland deployed Tasers 191 times?

20 A. Over three years?

21 Q. Correct.

22 A. Would it?

23 Q. Would it surprise you?

24 A. No, sir.

25 Q. Do you think that would be a normal

1 occurrence?

2 A. I'm not aware.

3 Q. If the information is actually not  
4 available on a server or if the information has been  
5 lost, sent back to the manufacturer, and I still  
6 said the City of Waveland officers deployed their  
7 Tasers 191 times in a three-year time period, you  
8 actually couldn't verify that fact either, could  
9 you?

10 A. I'm not sure.

11 Q. Because part of the information, as you  
12 said earlier, could have been lost.

13 A. I'm sure I could go back and get it off the  
14 records, the paper records, but I wouldn't have it  
15 available just to go back and look at it.

16 Q. So in this instance, would you be able to  
17 go back on March 31st, 2008, and get the paper  
18 record to see how many times Officer Guillot  
19 deployed his Taser?

20 A. No, sir, I would not. I would be able to  
21 go back and look at the police officer's report and  
22 the use-of-force report.

23 Q. So the police officer report is the system  
24 you use to determine the number of times Tasers are  
25 deployed, a police officer's report?

1 the scene and that Officer Besse said that she was  
2 refusing. Officer Besse tells Guillot that she was  
3 refusing, and Officer Guillot then tases Holland  
4 based on that information; correct?

5 A. Well, I think he told her to get out  
6 repeatedly, and she refused.

7 Q. And that's enough for the use of a Taser at  
8 that point?

9 A. Yes, sir, I would think so, two drunks on a  
10 highway.

11 Q. Okay. And now we've got Mr. Dahl in the  
12 back seat of Officer Guillot's car.

13 A. Yes, sir.

14 Q. We have Officer Besse and Officer Guillot  
15 now dealing with Holland, and she is now in the back  
16 of Officer Besse's car; correct?

17 A. Yes, sir.

18 Q. The tow truck shows up. They go to the  
19 police station. At that time, due to the report, we  
20 still believe that Dahl is handcuffed; correct?

21 A. It doesn't say that they unhandcuffed him,  
22 no, sir.

23 Q. Okay. So then we believe he is still  
24 handcuffed?

25 A. Yes, sir.



1 Q. Yes, sir.

2 A. So it is very -- it could be a real big  
3 problem, two people in there, one -- two people  
4 drunk, belligerent. So, yes, sir, I don't see any  
5 problem.

6 Q. You've mentioned twice that there were two  
7 people drunk. Do you know that either one of these  
8 were found guilty?

9 A. I'm not -- I'm jut saying what the report  
10 says, sir. I don't know that.

11 Q. Okay. Officer didn't know that at the time  
12 either, did he?

13 A. I can't testify what the officer knew.

14 Q. Okay. Then if you'll read on, Officer  
15 Guillot says that he's attempting to gain compliance  
16 again, and Dahl flinches, attempts to move out of  
17 the way of the stun gun and is hit or struck in the  
18 head. Does Waveland PD teach using a stun gun  
19 toward the head?

20 A. No, sir.

21 Q. You had also mentioned earlier in just your  
22 cursory review of the report again that Mr. Dahl had  
23 said that he had a brain injury. Would that be  
24 another -- would that be something that would  
25 concern you, that a stun gun was used toward the



1 A. In the academy, yes, sir.

2 Q. In the academy?

3 A. (Nodding head.)

4 Q. Nothing in-house?

5 A. There may be some according to what classes  
6 we are offered that they could have some -- you  
7 know, during the year after they get out of the  
8 academy, you know, in-service training.

9 Q. All of your officers go to the academy?

10 A. Yes.

11 Q. They have to complete the academy before  
12 you hire them?

13 A. Yes.

14 Q. And as to the stun -- the stun guns that  
15 were issued, tell me what kind of training they had  
16 for that.

17 A. An instructor teaches that.

18 Q. Who is the instructor?

19 A. We've had numerous.

20 Q. Do you investigate the background of the  
21 instructors?

22 A. I personally have known all the  
23 instructors.

24 Q. And what would be the basics that an  
25 instructor -- the basic background an instructor

1 would have to have before he was able to teach your  
2 officers about the use of Tasers?

3 A. I'm not sure what background they have to  
4 have as far as what it takes to become an  
5 instructor. I don't know.

6 Q. Do you ever have any instructors who are  
7 either representatives of the Taser manufacturer or  
8 instructors who have completed certification by the  
9 Taser manufacturer?

10 A. The very first ones from Orange County  
11 were, but that was in 2006, so I don't think any  
12 time after that.

13 Q. Where do you normally get your instructors  
14 from?

15 A. Most of them have been from the police  
16 department and went and had certification.

17 Q. So it would be in-house instructing?

18 A. No, sir.

19 Q. Well, tell me how that works.

20 A. Somebody in my department would go to a  
21 school put on by the academy, the Taser people,  
22 somebody, and they teach them to come back and teach  
23 the police department.

24 Q. Okay. So all of your instructors would  
25 have at least that minimum?

1 they thought were improper acts of a police officer,  
2 where would they report that?

3 A. To the police department, to me.

4 Q. They'd report it to you? Is there any  
5 other state agency that you know of where a person  
6 would make a report?

7 A. Highway patrol, FBI.

8 Q. Is that normally where these reports are  
9 made?

10 A. I've seem them go to MBI. I've seen them  
11 go to the FBI.

12 Q. Okay. You've seen that. Do you have  
13 knowledge of the FBI investigating the Waveland  
14 Police Department on any other complaint besides  
15 this one?

16 A. Officers.

17 Q. You do?

18 A. Yes, sir.

19 Q. Who were those officers?

20 A. I don't recall.

21 Q. Who would recall?

22 A. The FBI.

23 Q. Is there an agent in charge with the FBI  
24 that you know who would be investigating your  
25 officers?

1 than asking for the reports.

2 Q. Do you have any sort of in-house policy  
3 developed that when the FBI calls that you commence  
4 some sort of in-house investigation?

5 A. No, sir.

6 Q. Do you think you should have one?

7 A. No, sir, because I don't even know what the  
8 complaint is.

9 Q. No, I'm just asking based upon the  
10 previous --

11 A. No, sir.

12 Q. Okay. Do you have conversations or do you  
13 have someone to have conversations with your  
14 officers dealing with how to conduct a stop, how  
15 to -- first of all, let me stop there. Any sort of  
16 training with the officers that this is how you  
17 conduct a stop?

18 A. Yes, sir.

19 Q. Tell me how that works. Do you have that  
20 in a big meeting, or is it one on one?

21 A. It's not done in-house, no, sir.

22 Q. Who does that?

23 A. The state.

24 Q. What state agency does that?

25 A. The academy, minimum standards, the

1           A. I don't think it was a year and a half, no,  
2           sir.

3           Q. Was it a year, do you think? I guess we  
4           could find out by his records.

5           A. Yes, sir. I don't think it was even a  
6           year.

7           Q. And during that time period, whether it was  
8           on the truck or not, from '07 to '10, two and a half  
9           years without taking out the time for truck driving,  
10          he would have deployed his Taser 23 times based on  
11          some sort of report that you got in-house. You  
12          don't think that would be excessive?

13          A. Well, I mean, is that a fact?

14          Q. Yes, sir. That's what I was given.

15          A. In how long?

16          Q. Well, I'm saying from June 2007, December  
17          2010, two and a half years, and then take off some  
18          time for driving a truck, but being most  
19          conservative don't even take off any time for  
20          driving a truck, two and a half years he deployed  
21          the Taser 23 times. Is that excessive?

22          A. I don't know what -- no, sir, I don't think  
23          so.

24          Q. If a subject, in this case Mr. Dahl, was  
25          already in handcuffs and he was tased while he was

1 in the City of Waveland?

2 MR. HARVEY: I'm just going to repeat the  
3 objection because I think it's vague, but you  
4 can answer.

5 BY MR. MOAK:

6 Q. I'll put it another way. Does it surprise  
7 you that Officer Guillot used the Taser in this  
8 manner on Mr. Dahl?

9 A. No, sir, it doesn't.

10 Q. If I said you have 41 officers in the City  
11 of Waveland since 2007, would that be about right?

12 A. I couldn't tell you.

13 Q. Do you have a high turnover rate?

14 A. Not usually.

15 Q. Do you know what your percentage of  
16 turnover is?

17 A. No, sir.

18 Q. But your force runs anywhere from 14 to 19  
19 on any given month?

20 A. No, sir. It ran 19 for a long time, and,  
21 then we had layoffs.

22 Q. When did those layoffs happen?

23 A. This year.

24 Q. Okay. What position does a sergeant -- is  
25 he now still a sergeant, Israel Neff?